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Attorney for the Plaintiff

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

BRYAN CORNELL,

Plaintiff,

v.

**JOHN BONAVENTURA, individually
 and in his official capacity as Las Vegas
 Township Constable; et. al.,**

Defendants.

Case No. 2:14-cv-1906-APG-NJK

**PLAINTIFF’S MOTION TO EXTEND DEADLINE FOR SERVING
 COMPLAINT UPON DEFENDANT JOHN BONAVENTURA**

Pursuant to Federal Rule of Civil Procedure (“FRCP”) 6(b)(1)(A), Plaintiff respectfully requests that the Court extend by 60-days, or until May 12, 2015, the time within which Plaintiff must serve the Complaint (Pacer #1) upon Defendant John Bonaventura. Proof of service is required to be filed with the Court on March 14, 2014. Plaintiff has already effected timely service upon all other Defendants in this case.

In support of this motion, Plaintiff relies upon the memorandum of points and authorities set forth below.

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MEMORANDUM OF POINTS AND AUTHORITIES

FRCP 4(m) requires that a party initiating litigation serve a defendant within “120 days after the complaint is filed . . .” Failure to do so may result in dismissal of the complaint, unless “good cause” exists to extend the 120-day period. *Id.* Similarly, a party may seek an extension of a deadline prior to its expiration pursuant to FRCP 6(b)(1)(A) upon the same standard of “good cause.”

Here, “good cause” exists to extend the service deadline for serving Defendant John Bonaventura with the Complaint and Summons. While Plaintiff has timely effected service upon all other Defendants in this case (Pacer ##13-16), Defendant Bonaventura, despite best efforts by Plaintiff, has not been served. As noted in the “affidavit of due diligence” filed with the Court this same day, no less than five separate individuals have attempted to locate and effect service upon Defendant Bonaventura. *See* Pacer #29. Ironically, while Defendant Bonaventura once commanded an office that was in charge of effecting service of process upon members of the general public, he appears to be evading service himself.

Plaintiff cannot serve Defendant Bonaventura within the current deadline of March 14, 2015. Accordingly, additional time is needed to locate him and effect proper service. While Mr. Bonaventura has an attorney that has appeared in this case for him,¹ thereby demonstrating that Mr. Bonaventura is clearly aware of this lawsuit, he has made himself scarce. Any reasonable person would conclude that this is clearly an effort to force Plaintiff to incur unnecessary costs and to frustrate his efforts at prosecuting his claims. The Court should grant this request for extension.

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¹ Pacer #26.

CONCLUSION

Plaintiff, by and through counsel, respectfully requests that the Court grant this motion.

Respectfully submitted,

/s/ Paul S. Padda

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Attorney for Plaintiff

Dated: March 13, 2015

IT IS SO ORDERED:

Plaintiff's request to extend the 120-day deadline required by FRCP 4(m) is hereby granted. Plaintiff's time to serve the Summons and Complaint upon Defendant John Bonaventura is hereby extended to and until May 12, 2015. Proof of service shall be filed on or before that date.



UNITED STATES MAGISTRATE JUDGE

DATED: March 16, 2015

CERTIFICATE OF SERVICE

In compliance with the Court's Local Rules, the undersigned hereby certifies that on March 13, 2015, a copy of the foregoing document, "PLAINTIFF'S MOTION TO EXTEND DEADLINE FOR SERVING COMPLAINT UPON DEFENDANT JOHN BONAVENTURA" was served (via the Court's CM/ECF system) upon counsel of record for Defendants.

/s/ Paul S. Padda

Paul S. Padda, Esq.